

**FINAL REPORT  
OF THE  
INTERIM STUDY COMMITTEE ON  
LEARNER'S PERMITS AND GRADUATED  
DRIVER'S LICENSES**



**Indiana Legislative Services Agency  
200 W. Washington Street, Suite 301  
Indianapolis, Indiana 46204**

**November, 2008**

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# **INTERIM STUDY COMMITTEE ON LEARNER'S PERMITS AND GRADUATED DRIVER'S LICENSES**

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Susan Montgomery  
Attorney for the Committee

James Sperlik  
Fiscal Analyst for the Committee

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

## **I. LEGISLATIVE COUNCIL DIRECTIVE**

The Legislative Council directed the Committee to study certain issues related to learner's permits as listed in SECTION 1 of P.L. 24-2008 (HEA 1112-2008), which were:

- (1) the minimum age at which learner's permits and probationary driver's licenses can be issued by the bureau of motor vehicles;
- (2) requirements for practice driving before a probationary driver's license can be issued;
- (3) the use of handheld devices by probationary drivers;
- (4) conditions to which the probationary driver is subject while driving;
- (5) whether a penalty should be given to a minor who accompanies a probationary driver without an accompanying adult driver of a certain age; and
- (6) the adoption of rules concerning driver education instruction.

## **II. SUMMARY OF WORK PROGRAM**

The Committee met three times during the 2008 interim on:

September 18, 2008  
October 1, 2008  
October 14, 2008

All meetings were held in the State House, 200 W. Washington Street, Indianapolis, Indiana, 46204.

At the September 18 meeting, the Committee heard testimony concerning statistics on teen driver accidents, injuries and deaths. Concerns were voiced about the use of electronic communications devices by young and newly licensed drivers. Medical doctors spoke about their belief that longer practice driving periods and prohibitions against passengers without a supervising adult would lead to safer roads.

Providers of driver education courses spoke about current driver education curricula, both for public schools and commercial courses. Testimony was given that national curricula may be used for Indiana courses, and how post-licensing education might be valuable. The proposal of required and logged practice driving before an operator's license would be issued was discussed.

Two witnesses shared their personal accounts of how driver error had changed their lives and those of their family members.

Testimony from a representative of the motor vehicle insurance field led to a discussion

about the possibility of lower insurance premiums if some of the proposals were to become law.

The Commissioner of the Bureau of Motor Vehicles discussed the oversight of the commercial driver training schools.

At the October 1 meeting, a representative of the Prosecuting Attorneys Council discussed the prosecution of violators of current law pertaining to newly licensed drivers, and how that might change if proposed changes were to be effected. A member of the Indiana State Police discussed the use of electronic devices by motor vehicle operators.

A judge of the Indiana Court of Appeals voiced concerns about the successful prosecution of drivers using handheld devices in a motor vehicle, and the posting of a placard on a vehicle to indicate that the driver is newly licensed. Testimony was once again offered from a representative of the motor vehicle insurance field that motor vehicle insurance premiums might be lowered if graduated drivers licensing were to be enacted.

At the October 14 meeting, testimony was heard from a judge of Marion County, Indiana concerning the adjudication of motor vehicle infractions and crimes. Information was received from a representative of the Indiana Bureau of Motor Vehicles, a representative of the American Automobile Association, and a state representative concerning the proposed requirement of an indicator of new driver status on a motor vehicle. A private driver's education instructor stated his belief that the initial age for issuance of a driver's license should be 17 or even 18.

The Committee recommended by unanimous voice vote for introduction in the 2009 Session legislative draft PD 3283 (Learner's permits and graduated licenses), with amendments made to the proposed language regarding placards showing new driver status and use of handheld communications devices while driving. Language was to be added to the draft to prohibit an individual holding a probationary license from pretrial diversion for a traffic offense.

The Committee voted by unanimous voice vote to recommend PD 3272 (Electronic devices while operating a motor vehicle) for introduction in the 2009 Session.

The Committee voted by unanimous voice vote to approve the draft copy of the Final Report, which would be amended and updated to reflect the action taken at the third and final meeting of the Committee.

### **III. SUMMARY OF TESTIMONY**

At the September 18 meeting, the Committee heard testimony from Ms. Sherry Deane

of the American Automobile Association concerning her organization's concern about young drivers. She furnished the Committee with several statistical studies, review of which she believes will lead to the conclusion that graduated driver's licensing will aid in safer roads.

Ms. Kira Hudson believed, from personal experience, that the use of electronic communication devices can lead to motor vehicle accidents.

Dr. Joseph O'Neil and Dr. John McGoff both supported the graduated driver licensing legislation.

Mr. Thomas Zachary, of the Indiana Driving Schools Association and the Indiana Driver Education Association, Ms. Tammy Gray, representing the Safe Driving Coalition of Elkhart County, Mr. Stanley Henderson, of the Indiana Driver Education Association, and Mr. Rick Hernandez, of I Drive Safely, all voiced concerns pertinent to the driver education profession. All believed safety on the roads to be the highest priority of their members, and that more practice time behind the wheel, both during their instruction course and before a license is granted, to be as important as teaching the proper techniques.

Ms. Angie Pinna shared her personal story of the tragic loss of her daughter from an accident caused by a newly licensed young driver.

Mr. Robert Spolyar, of State Farm Insurance, approved of the language in the introduced version of HB 1112-2008, and felt that changes to the current law in the bill might reduce insurance premiums.

Ms. Anne Doran, representing the Property Casualty Insurers Association of Indiana, added support for a graduated driver's license bill.

Commissioner Ron Stiver of the Indiana Bureau of Motor Vehicles spoke regarding oversight of the commercial driver training schools by his agency; after 2008, that oversight has been transferred to the Indiana Criminal Justice Institute.

During the second meeting, Mr. Steve Johnson of the Indiana Prosecuting Attorneys Council stated his opinion that the prosecuting attorneys might be in support of postponing the age of unrestricted driving. He believed that curfew laws should be enforced more often by law enforcement personnel.

Lieutenant Mark Carnell of the Indiana State Police believed that drivers are distracted by cell phones and other electronic devices.

Judge Paul Mathias of the Indiana Court of Appeals believed that a mandated placard on the vehicle to warn of a newly licensed driver might be a good idea, and that driving with earbuds may lead to accidents. He cautioned about the proposed level of offense

for a passenger who is in a motor vehicle with a newly licensed driver without an accompanying adult.

Mr. Robert Spolyar, representing State Farm Insurance, once again offered his opinion that motor vehicle insurance premiums might be lowered if graduated drivers licensing were to be enacted.

At the third meeting, on October 14, the Committee heard testimony from Sarah Meyer of the Indiana Bureau of Motor Vehicles, Sherry Deane of the American Automobile Association, and State Representative Cleo Duncan concerning the proposed requirement of an indicator of new driver status on a motor vehicle.

Commissioner Marc Rothenberg, Criminal Court 13, Marion County, Indiana, spoke concerning the adjudication of motor vehicle infractions and crimes.

Gary Baxter, a driver's education teacher with A-Auto Driving School, observed that some students come to drivers' education without driving experience at home, not even observational knowledge. He believes that the initial age of eligibility for a driver's license should be raised.

#### **IV. COMMITTEE FINDINGS AND RECOMMENDATIONS**

The Committee made no findings of fact.

The Committee recommended for introduction in the 2009 Session the legislative draft PD 3283 (Learners' permits and graduated licenses: raising the minimum age for issuance of an operator's license, prohibiting the use of a handheld communications device by certain drivers, limiting passengers in a motor vehicle operated by a new licensed driver, restricting hours of nighttime driving by certain young drivers, requiring an indicator on a motor vehicle when operated by a young driver, and driver's education training) as amended by the Committee at its third meeting, by unanimous voice vote.

The Committee voted to recommend PD 3272 (Electronic devices while operating a motor vehicle: concerning the use of handheld devices while operating a motor vehicle as a public passenger chauffeur, and the prohibition of the use of certain devices with an electronic or a digital screen while driving) for introduction in the 2009 Session without change, by unanimous voice vote.

The Committee voted by unanimous voice vote to approve the draft copy of the Final Report, which would be amended and updated to reflect the action taken at the third and final meeting of the Committee.

## WITNESS LIST

Ms. Sherry Deane, American Automobile Association  
Ms. Kira Hudson  
Dr. Joseph O' Neil, Riley Hospital for Children  
Mr. Thomas Zachary, Indiana Driving Schools Association and Indiana Driver Education Association  
Ms. Tammy Gray, Safe Driving Coalition of Elkhart County  
Mr. Robert Spolyar, State Farm Insurance  
Dr. John McGoff, College Of Emergency Physician, Indiana Chapter  
Mr. Stanley Henderson, Indiana Driver Education Association  
Ms. Angie Pinna  
Ms. Anne Doran, Property Casualty Insurers Association of Indiana  
Mr. Rick Hernandez, I Drive Safely  
Commissioner Ron Stiver, Indiana Bureau of Motor Vehicles  
Mr. Steve Johnson, Indiana Prosecuting Attorneys Council  
Lieutenant Mark Carnell, Indiana State Police  
Judge Paul Mathias, Indiana Court of Appeals  
Commissioner Marc Rothenberg, Criminal Court 13, Marion County, Indiana  
Representative Cleo Duncan  
Ms. Sarah Meyer, Bureau of Motor Vehicles  
Mr. Gary Baxter, A-Auto Driving School